

ORDINANCE NO. 4068

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING ARTICLE IX, SECTIONS 17-339 THROUGH 17-360 TO CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, OF THE SCOTTSDALE REVISED CODE FOR THE REGULATION OF PEDICABS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article IX, Sections 17-339 through 17-360 are hereby added to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code as follows:

Article IX. Pedicabs.

Sec. 17-339. Purpose.

The purposes of this ordinance are to regulate the pedicab industry; to set basic safety standards, operating procedures and insurance requirements; to accommodate another low-emission means of transportation while enhancing the experience of pedicab passengers; and to promote the general health, safety and welfare.

Sec. 17-340. Definitions.

In this article, unless the context otherwise requires a different meaning:

Bicycle means a device, including a racing wheelchair, that is human powered on which a person may ride, with:

- a. Two tandem wheels, either of which is more than sixteen (16) inches in diameter, or
- b. Three wheels in contact with the ground, any of which is more than sixteen (16) inches in diameter.

Daytime means the period between sunrise and sunset.

Fare means payment of any sort in exchange for being transported or driven but does not include gratuities.

For hire means to provide, or offer to provide, a service in exchange for any form of payment or gratuity.

Moped means a bicycle that is equipped with a helper motor if the bicycle has: (i) a maximum piston displacement of fifty cubic centimeters or less, (ii) a brake horsepower of one and one-half or less, and (iii) a maximum speed of twenty-five miles per hour or less on a flat surface with less than a one per cent grade.

Nighttime means the period between sunset and sunrise.

Operator means the person in physical control of a pedicab.

Owner means a person who owns or holds an ownership interest in a pedicab.

Pedicab means a bicycle or moped, or a bicycle or moped that is attached to a trailer, sidecar or similar device, that transports passengers for hire.

Sec. 17-341. Pedicabs lights and reflectors.

(a) It is unlawful to operate a pedicab without:

1. Using a lamp on the front that illuminates a person or vehicle at least fifty (50) feet to the front during nighttime.
2. Using either a flashing or solid lamp on the front that emits a white light visible from at least five hundred (500) feet to the front during nighttime.
3. Using an Arizona Department of Transportation-approved red reflector on the rear visible from at least fifty (50) to three hundred (300) feet to the rear when the reflector is directly in front of lawful motor vehicle upper beams during nighttime.
4. Using a lamp on the rear that emits a red light visible from at least five hundred (500) feet to the rear during nighttime.
5. Having a reflective strip no smaller than two (2) inches wide and thirty-six (36) inches long affixed horizontally to the rear of the pedicab, no lower than the height of the rear wheel hub, visible from at least fifty (50) feet to the rear when the strip is directly in front of lawful motor vehicle upper beams during nighttime.
6. Having a spoke reflector affixed to each wheel.

Sec. 17-342. Pedicabs—additional safety features.

(a) It is unlawful to operate a pedicab without:

1. A braking system capable of stopping the pedicab and any attached trailer safely.
2. A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear.

Sec. 17-343. Pedicab size.

(a) It is unlawful to operate a pedicab that is:

1. Wider than fifty-four (54) inches at its widest point.
2. Longer than twelve (12) feet at its longest point.

Sec. 17-344. Pedicab condition.

(a) It is unlawful to operate a pedicab that has:

1. Exposed rust.
2. Ripped upholstery or fabric.

3. Exposed wood that is not painted and in good condition.

Sec. 17-345. Pedicab operation.

(a) It is unlawful to operate a pedicab:

1. By riding other than on or astride a permanent and regular seat attached to the pedicab.
2. Carrying more passengers than the number of seats available, except that persons under five (5) years of age are excluded from this limitation if each child is sitting in the lap of an adult.
3. With more than one trailer, sidecar or similar device.
4. In a manner that results in damage to public property.
5. In a manner that results in colliding with a pedestrian.
6. Equipped with a siren or whistle.
7. While knowingly permitting another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other rolling device to the pedicab.
8. While carrying anything that prevents the operator from keeping at least one hand on the handlebars.
9. On a street or alley that has been closed by the city to motor vehicles, or adjoining sidewalk.
10. On a street without a designated bike lane when the street has a posted speed limit of thirty-five (35) miles per hour or greater, except for crossing that street.
11. That obstructs pedestrian traffic on a sidewalk by remaining stopped on a sidewalk longer than necessary to pick up or drop off passengers.
12. Without a clearly visible manufacturer's serial or identification number on either the operator's or the passenger's portion of the pedicab.
13. On a street or public area that has been ordered closed to pedicabs by the Chief of Police.
14. With any mobile sound amplification system which can be heard either: fifty (50) or more feet from the pedicab; or annoys or disturbs the quiet, comfort or repose of any person of reasonable sensibilities in the vicinity. The exemptions concerning sound amplification systems contained within Section 19-20 shall apply to this subsection.

Sec. 17-346. Pedicab parking.

- (a) It is unlawful to park a pedicab or pedicab trailer at any bike rack owned by the city for more than two (2) hours.

- (b) Any pedicab or pedicab trailer parked in violation of this section is subject to impoundment without notice by the city.

Sec. 17-347. Fares.

- (a) It is unlawful for the operator of a pedicab to charge a passenger a fare that was not agreed upon with the passenger in advance.
- (b) It is unlawful for the operator of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.
- (c) Prior to a pedicab operator or owner charging passengers a fixed sum or hourly rate, a pedicab owner must obtain a tax privilege license from the city or the state in the event the state assumes the city's tax collecting responsibilities. A copy of the license must be displayed within each pedicab where a fixed sum or hourly rate is being charged.
- (d) Prior to a pedicab operator charging a fare based on the distance travelled, a pedicab owner must obtain a business and occupation license from the city. A copy of the license must be displayed within each pedicab where this type of fare is being charged.
- (e) This section does not relieve a pedicab operator or owner from obtaining any other applicable city, county, state or federal licenses or permits required to engage in business in this city, county or state.

Sec. 17-348. Driver license and other required documents.

- (a) It is unlawful for an operator to operate a pedicab without having in possession either
 - 1. A valid driver license, or
 - 2. If the operator is a qualified individual with a disability under the Americans with Disabilities Act, proof of having passed the written exam required by the Arizona Department of Transportation Motor Vehicle Division for vehicle operation and a government-issued photo identification document.
- (b) It is unlawful for an operator to fail to display the license or other required documents, including proof of insurance, to a law enforcement officer on demand.
- (c) The driver license may be issued by Arizona or another state, but cannot be cancelled, revoked or suspended.

Sec. 17-349. Insurance.

- (a) The owner shall maintain at all times a commercial general liability insurance policy in the amount of at least one million dollars per occurrence and two million dollars annual aggregate.
- (b) The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.
- (c) The policy shall designate by manufacturer's serial or identification number all pedicabs for which coverage is granted.

- (d) The policy shall insure the person named in the policy and any other person using the pedicab with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the pedicab in Arizona.
- (e) The policy shall name the city as an additional insured.

Sec. 17-350. Street or public area restrictions.

The Chief of Police or designee may designate or limit public areas or streets available for pedicabs.

Sec. 17-351. Responsibility of owner.

It is unlawful for an owner to permit a pedicab to be operated, parked or maintained in violation of Sections 17-341 through 17-349.

Sec. 17-352. Penalties.

- (a) A first violation of this article is a petty offense and shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00) per violation.
- (b) A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class two misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than three hundred dollars (\$300.00) per violation.
- (c) The court shall not suspend any part of any fine required by this section.

Secs. 17-353-17-360. Reserved.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 9th day of April, 2013.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

Carolyn Jagger
City Clerk

W. J. "Jim" Lane
Mayor

APPROVED AS TO FORM:

Bruce Washburn, City Attorney
By: Luis E. Santaella, Senior Assistant City Attorney